

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
HYDE OF ILLINOIS, OR HIS  
DESIGNEE, DEBATABLE FOR 10 MINUTES:

||  
revised

**AMENDMENT TO H.R. 2601, AS REPORTED  
OFFERED BY MR. HYDE OF ILLINOIS**

After title VIII of the bill, insert the following new  
title:

1 **TITLE IX—EAST ASIA SECURITY**  
2 **ACT OF 2005**

3 **SEC. 901. SHORT TITLE.**

4 This title may be cited as the “East Asia Security  
5 Act of 2005”.

6 **SEC. 902. STATEMENTS OF POLICY.**

7 Congress—

8 (1) previously expressed its strong concerns in  
9 House Resolution 57 of February 2, 2005, and Sen-  
10 ate Resolution 91 of March 17, 2005, with the  
11 transfer of armaments and related technology to the  
12 People’s Republic of China by member states of the  
13 European Union, which increased eightfold from  
14 2001 to 2003, and with plans to terminate in the  
15 near future the arms embargo they imposed in 1989  
16 following the Tiananmen Square massacre;

17 (2) welcomes deferral of a decision by the Euro-  
18 pean Council to terminate its arms embargo fol-  
19 lowing adoption of those Resolutions, the President’s



1 visit to Europe, and growing concern among coun-  
2 tries in the regions and the general public on both  
3 sides of the Atlantic;

4 (3) welcomes the decision by the European Par-  
5 liament on April 14, 2005, by a vote of 421 to 85,  
6 to oppose the lifting of the European Union's arms  
7 embargo on the People's Republic of China, and res-  
8 olutions issued by a number of elected parliamentary  
9 bodies in Europe also opposing the lifting of the  
10 arms embargo;

11 (4) also welcomes the onset of a strategic dia-  
12 logue between the European Commission and the  
13 Government of the United States on the security sit-  
14 uation in East Asia, through which it is hoped a  
15 greater understanding will emerge of the con-  
16 sequences of European assistance to the military  
17 buildup of the People's Republic of China for peace  
18 and stability in that region, to the security interests  
19 of the United States and its friends and allies in the  
20 region, and, in particular, to the safety of United  
21 States Armed Forces whose presence in the region  
22 has been a decisive factor in ensuring peace and  
23 prosperity since the end of World War II;

24 (5) hopes that a more intensive dialogue with  
25 Europe on this matter will clarify for United States



1 friends and allies in Europe how their "non-lethal"  
2 arms transfers improve the force projection of the  
3 People's Republic of China, are far from benign, and  
4 enhance the prospects for the threat or use of force  
5 in resolving the status of Taiwan, a troubling pros-  
6 spect made more ominous by recent adoption of a  
7 new law by the Chinese National People's Congress  
8 expressly authorizing the use of force;

9 (6) also hopes that this dialogue will result in  
10 an important new consensus between the United  
11 States and its European partners on the need for co-  
12 ordinated policies which encourage the development  
13 of democracy in the People's Republic of China and  
14 which discourage, not assist, China's unjustified  
15 military buildup and pursuit of weapons that threat-  
16 en its neighbors;

17 (7) however, deeply regrets that none of the  
18 European friends and allies of the United States  
19 who have been transferring arms to the People's Re-  
20 public of China has announced a cessation or even  
21 a temporary halt to those transfers while this new  
22 dialogue with the United States ensues, and notes  
23 with concern that such European friends and allies  
24 have provided little, if any, transparency to the  
25 United States Government into the full range and



1 capabilities of all of the armaments and related tech-  
2 nology that they have transferred to date and con-  
3 tinue even now to do so;

4 (8) is further troubled by public reports describ-  
5 ing well known European companies as suppliers to  
6 weapons programs of the People's Republic of  
7 China, who are also participants in numerous sen-  
8 sitive United States Government weapons programs,  
9 and the increased risks of diversion of United States  
10 weapons technology to China inherent in such an  
11 undesirable situation; and

12 (9) in view of the gravity of European arms  
13 sales to the People's Republic of China, which have  
14 not abated, believes it is necessary to make provision  
15 for greater scrutiny and oversight with respect to  
16 those areas of international armament cooperation  
17 that present increased levels of risk to the security  
18 interests of the United States and to authorize ap-  
19 propriate measures which the President may draw  
20 on in deterring foreign support for China's military  
21 buildup in order to safeguard the national security  
22 interests of the United States and peace and secu-  
23 rity in East Asia.



1 SEC. 903. REPORT ON FOREIGN MILITARY EXPORTS TO  
2 CHINA.

3 (a) REPORT.—The President shall, at the times spec-  
4 ified in subsection (b), transmit to the appropriate con-  
5 gressional committees a report that identifies every person  
6 of a member country of the European Union, and any  
7 other foreign person the President may consider appro-  
8 priate, with respect to whom there is credible information  
9 indicating that the person, on or after January 1, 2005,  
10 exported to—

11 (1) the People's Republic of China any item on  
12 the Wassenaar Munitions List of July 12, 1996, and  
13 subsequent revisions; or

14 (2) the military, intelligence, or other security  
15 forces of the People's Republic of China—

16 (A) any item on the Wassenaar List of  
17 Dual Use Goods and Technologies of July 12,  
18 1996, and subsequent revisions; or

19 (B) any other dual use item if the item is  
20 intended, entirely or in part, for use with an  
21 item described in paragraph (1).

22 (b) TIMING OF REPORT.—The report required under  
23 subsection (a) shall be transmitted not later than 180 days  
24 after the date of the enactment of this Act and not later  
25 than the end of each 12-month period thereafter.



1 (c) EXCEPTIONS.—A foreign person is not required  
2 to be identified in a report required under subsection (a)  
3 if the person—

4 (1) was identified in a previous report trans-  
5 mitted under subsection (a) on account of a par-  
6 ticular export, except to the extent that the export  
7 may have continued, involved additional transfers, or  
8 was larger, more significant, or different in nature  
9 than described in the previous report;

10 (2) was engaged solely in an export on behalf  
11 of, or in concert with, the Government of the United  
12 States; or

13 (3) was engaged in an export which, as deter-  
14 mined by the President, would be exempt from the  
15 restrictions of section 902(a) of the Foreign Rela-  
16 tions Authorization Act, Fiscal Years 1990 and  
17 1991 (Public Law 101-246; 22 U.S.C. 2151 note),  
18 if the export were subject to the jurisdiction of the  
19 United States, by reason of the issuance of a report  
20 under section 902(b) of such Act.

21 (d) FORM.—If the President considers it appropriate,  
22 reports transmitted under subsection (a), or appropriate  
23 parts thereof, may be transmitted in classified form.



1 SEC. 904. REPORT ON CHINA ARMS TRANSFER POLICIES OF  
2 COUNTRIES PARTICIPATING IN UNITED  
3 STATES DEFENSE COOPERATIVE PROJECTS;  
4 CERTAIN LICENSE REQUIREMENTS.

5 (a) STATEMENT OF POLICY.—Congress is concerned  
6 with the significant additional risk of unlawful use and  
7 diversion of sensitive United States weapons system re-  
8 search, design, and development arising from cooperative  
9 research and development projects with foreign govern-  
10 ments and foreign persons who may also transfer arms  
11 and related technology to the People's Republic of China.

12 (b) REPORT.—The President shall, at the times spec-  
13 ified in subsection (c), transmit to the appropriate con-  
14 gressional committees a report that—

15 (1) identifies every foreign government with re-  
16 spect to which the United States is carrying out a  
17 cooperative project described in subsection (d) and  
18 whose policies or practices, on or after the date of  
19 the enactment of this Act, permit the export of any  
20 item described in paragraph (1), or subparagraph  
21 (A) or (B) of paragraph (2), of section 903(a); and

22 (2) describes the cooperative projects and poli-  
23 cies or practices referred to in paragraph (1) of  
24 every foreign government identified under such para-  
25 graph.





1 (c) TIMING OF REPORT.—The report required under  
2 subsection (b)—

3 (1) shall be transmitted not later than 180 days  
4 after the date of the enactment of this Act and not  
5 later than the end of each 12-month period there-  
6 after; and

7 (2) may be included in the report required  
8 under section 903, as the President determines ap-  
9 propriate.

10 (d) COOPERATIVE PROJECTS.—The cooperative  
11 projects referred to in subsection (b) are projects carried  
12 out under section 27 of the Arms Export Control Act (22  
13 U.S.C. 2767) or section 2350a, 2358, or a memorandum  
14 of understanding under section 2531 of title 10, United  
15 States Code.

16 (e) LICENSE REQUIREMENTS.—

17 (1) REQUIREMENT.—Notwithstanding any  
18 other provision of law, a license under section 38 of  
19 the Arms Export Control Act (22 U.S.C. 2778) shall  
20 be required for the export of defense articles or de-  
21 fense services by any person who is not an officer or  
22 employee of the Government of the United States in  
23 furtherance of a cooperative project described in  
24 subsection (d) with a country identified in a report  
25 transmitted under subsection (b).



1           (2) CONGRESSIONAL NOTIFICATION.—The  
2           issuance of a license pursuant to paragraph (1) shall  
3           be subject to the same requirements as are applica-  
4           ble to the export of items described in section 36(c)  
5           of the Arms Export Control Act (22 U.S.C. 2776(c))  
6           (without regard to the dollar amount requirements  
7           relating to contracts contained in such section), in-  
8           cluding the transmittal of information and the appli-  
9           cation of congressional review procedures in accord-  
10          ance with such section.

11          (3) EXCEPTIONS.—The Secretary of State shall  
12          not be required to apply the license requirement of  
13          paragraph (1)—

14                (A) in the case of contracts or sub-  
15                contracts in effect on the date of the enactment  
16                of this Act, including the exercise of options for  
17                production quantities to satisfy United States  
18                operational military requirements;

19                (B) if the Secretary determines in writing  
20                that the person or other entity to which the ex-  
21                port of defense articles or defense services  
22                would be made is a sole source supplier of the  
23                articles or services, that the articles or services  
24                are essential, and that the articles or services  
25                are not readily or reasonably available;



1 (C) in the case of routine servicing and  
2 maintenance, to products or services provided  
3 under contracts entered into before transmittal  
4 of the report required under subsection (b), if  
5 the Secretary determines in writing that alter-  
6 native sources are not readily or reasonably  
7 available; or

8 (D) with respect to other defense articles  
9 or defense services, the export of which without  
10 a license the Secretary determines in writing is  
11 essential to the national security of the United  
12 States and provides written notification thereof  
13 to the appropriate congressional committees.

14 (4) PUBLICATION IN THE FEDERAL REG-  
15 ISTER.—The Secretary of State shall publish in the  
16 Federal Register each determination made under  
17 paragraph (3).

18 **SEC. 905. CERTAIN FOREIGN OWNERSHIP AND CONTROL**  
19 **OF DEFENSE ARTICLES IN THE UNITED**  
20 **STATES.**

21 (a) STATEMENT OF POLICY.—Congress determines  
22 that special care should be taken by the United States  
23 with respect to foreign persons who sell arms and related  
24 technology to the People's Republic of China, while simul-  
25 taneously seeking ownership of United States defense arti-



cles or defense services, including the results of United States Government funded defense research and development, through the acquisition or control of United States defense firms, directly or through their subsidiaries and affiliates based in the United States.

(b) LICENSE REQUIREMENTS.—

(1) REQUIREMENT.—The President shall require a license pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for the transfer of ownership or control of United States defense articles or defense services arising from the acquisition or control of a person required to be registered under section 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any subsidiary, division, affiliate or other entity thereof, whenever the person gaining acquisition or control is—

(A) a foreign national of the People's Republic of China or a foreign person otherwise subject to the jurisdiction, ownership, or control of the People's Republic of China;

(B) a foreign person identified in a report transmitted under section 903 or having its principal place of business in a country de-

1           scribed in a report transmitted under section  
2           904; or

3           (C) a United States person owned or con-  
4           trolled by a foreign person, including a sub-  
5           sidiary or affiliate of a foreign person described  
6           in subparagraph (B).

7           (2) ADDITIONAL REQUIREMENT.—A license  
8           under section 38(g)(6) of the Arms Export Control  
9           Act for a person described in paragraph (1)(A) shall  
10          not be issued until 30 days after the date on which  
11          the President transmits a report that contains a de-  
12          termination of the President that—

13                (A) the Government of the People's Repub-  
14                lic of China meets the requirements of section  
15                902(b)(1) of the Foreign Relations Authoriza-  
16                tion Act, Fiscal Years 1990 and 1991 (Public  
17                Law 101-246; 22 U.S.C. 2151 note); or

18                (B) it is in the national interest of the  
19                United States to issue the license.

20          (c) CONGRESSIONAL NOTIFICATION.—The issuance  
21          of a license pursuant to subsection (b) shall be subject  
22          to the same requirements as are applicable to the export  
23          of items described in section 36(c) of the Arms Export  
24          Control Act (22 U.S.C. 2776(c)) (without regard to the  
25          dollar amount requirements relating to contracts con-



1 tained in such section), including the transmittal of infor-  
2 mation and the application of congressional review proce-  
3 dures in accordance with such section.

4 (d) EXCEPTION.—The issuance of a license pursuant  
5 to subsection (b) shall not be required in the case of an  
6 amendment to a munitions license or a change in registra-  
7 tion arising from a sale or transfer of ownership or control  
8 of United States defense articles or defense services to a  
9 person described in subparagraph (A), (B), or (C) of sub-  
10 section (b)(1) that was approved prior to the date of en-  
11 actment of this Act unless the President determines that  
12 it is in the national security interests of the United States  
13 to require the issuance of a new license pursuant to sub-  
14 section (b).

15 **SEC. 906. CHINESE MILITARY END USE OF DUAL USE EX-**  
16 **PORTS.**

17 (a) STATEMENT OF POLICY.—Congress welcomes the  
18 understanding reached at the Wassenaar Arrangement's  
19 December 2003 plenary meeting to require governmental  
20 authorization for the transfer of non-listed dual use items  
21 intended for military end use in a destination subject to  
22 any relevant regional arms embargo or to any United Na-  
23 tions Security Council resolution.

24 (b) REPORTS.—



1 (1) REPORT TO SECRETARY OF COMMERCE.—

2 As prescribed in regulations issued under the Export  
3 Administration Act of 1979 (as continued in effect  
4 under the International Emergency Economic Pow-  
5 ers Act), a United States person who exports an  
6 item described in subparagraph (A) or (B) of section  
7 903(a)(2) for military end use shall, not later than  
8 15 days after the item is exported, submit to the  
9 Secretary of Commerce a report that contains a de-  
10 scription of all shipment information, including a de-  
11 scription of the item and the quantity, value, port of  
12 exit, and end user.

13 (2) REPORT TO CONGRESS.—Not later than 60  
14 days after the end of each calendar quarter, the Sec-  
15 retary of Commerce shall submit to the appropriate  
16 congressional committees a written report that con-  
17 tains a compilation all of information submitted in  
18 each report to the Secretary under paragraph (1) for  
19 the prior calendar quarter.

20 (c) DEFINITION.—In this section, the term “military  
21 end use” means, with respect to an item, the item is or  
22 may be intended, entirely or in part, for use in conjunction  
23 with an item described on the Wassenaar Munitions List  
24 of July 12, 1996, and subsequent revisions.



1 SEC. 907. APPLICATION OF MEASURES TO CERTAIN FOR-  
2 EIGN PERSONS.

3 (a) APPLICATION OF MEASURES.—Subject to sec-  
4 tions 908 and 909, the President may apply with respect  
5 to any foreign person (including a foreign government)  
6 identified in a report transmitted under section 903, and  
7 shall apply with respect to any foreign person (including  
8 a foreign government) identified in more than one report  
9 transmitted under section 903, any or all of the following  
10 measures:

11 (1) RESEARCH AND DEVELOPMENT.—Denial of  
12 participation in existing and new cooperative re-  
13 search and development programs and projects  
14 under section 27 of the Arms Export Control Act  
15 (22 U.S.C. 2767) or sections 2350a, 2358, or a  
16 memorandum of understanding under 2531 of title  
17 10, United States Code.

18 (2) CONTROL OF UNITED STATES DEFENSE  
19 FIRMS.—Prohibition of ownership and control of any  
20 business organization required to be registered with  
21 the United States Government as a manufacturer or  
22 exporter of defense articles or defense services under  
23 section 38(b)(1) of the Arms Export Control Act (22  
24 U.S.C. 2778(b)(1)).

25 (3) SECURITY ASSISTANCE.—Prohibition on  
26 participation in any foreign military sales under





1 chapter 2 of the Arms Export Control Act (22  
2 U.S.C. 2761 et seq.) or any design and construction  
3 sales under chapter 2A of such Act (22 U.S.C.  
4 2769).

5 (4) MUNITIONS LIST APPROVALS.—Prohibition  
6 on licenses and other forms of approval under sec-  
7 tion 38 of the Arms Export Control Act (22 U.S.C.  
8 2778) for the export of any item on the United  
9 States Munitions List as in effect on August 8,  
10 1995.

11 (b) APPLICATION OF ADDITIONAL MEASURES.—Sub-  
12 ject to sections 908 and 909, and notwithstanding any  
13 other provision of law, the President may, with respect to  
14 any foreign person (including a foreign government) iden-  
15 tified in a report transmitted under section 903, and shall,  
16 with respect to any foreign person (including a foreign  
17 government) identified in more than one report trans-  
18 mitted under section 903—

19 (1) suspend the use of any license exemption  
20 and expedited license procedure established in the  
21 International Traffic in Arms Regulations or other  
22 provisions of law for the export or temporary import  
23 of defense articles and defense services;

1           (2) require the execution of a non-transfer and  
2           end use certificate for the export of any defense arti-  
3           cles and defense services; and

4           (3) require, as a condition of issuance of any li-  
5           cense for the export of defense articles and defense  
6           services, United States access to and verification of  
7           the items after the export of the items or alternative  
8           measures to ensure compliance with restrictions on  
9           the transfer of the items to third-parties.

10          (c) EFFECTIVE DATE OF MEASURES.—Measures ap-  
11       plied pursuant to subsection (a) or (b) shall be effective  
12       with respect to a foreign person (including a foreign gov-  
13       ernment) no later than—

14               (1) 30 days after the report identifying the for-  
15       eign person is transmitted, if the report is trans-  
16       mitted on or before the date required by section  
17       903(b); or

18               (2) on the date that the report identifying the  
19       foreign person is transmitted, if the report is trans-  
20       mitted more than 30 days after the date required by  
21       section 903(b).

22          (d) DURATION OF MEASURES.—Measures applied  
23       pursuant to subsection (a) shall be for a period of 2 years  
24       or longer, as the President determines appropriate. Meas-  
25       ures applied pursuant to subsection (b) shall be, at a min-



1 imum, consistent with the duration of the license and the  
2 normal requirements for record keeping established in the  
3 International Traffic in Arms Regulations or longer, as  
4 the President determines appropriate.

5 (e) PUBLICATION IN FEDERAL REGISTER.—The ap-  
6 plication of measures to a foreign person pursuant to sub-  
7 section (a) or (b) shall be announced by notice published  
8 in the Federal Register, except if the President determines  
9 that doing so would be inconsistent with the protection  
10 of classified information.

11 **SEC. 908. PROCEDURES IF DISCRETIONARY MEASURES ARE**  
12 **NOT APPLIED.**

13 (a) REQUIREMENT TO NOTIFY CONGRESS.—If the  
14 President does not exercise the authority of subsection (a)  
15 or (b) of section 907 to apply any or all of the discre-  
16 tionary measures described in such subsection with respect  
17 to a foreign person identified in a report transmitted  
18 under section 903, the President shall so notify the appro-  
19 priate congressional committees not later than the effec-  
20 tive date under section 907(c) for measures with respect  
21 to that person.

22 (b) WRITTEN JUSTIFICATION.—Any notification  
23 transmitted by the President under subsection (a) shall  
24 include a written justification describing in detail the facts  
25 and circumstances relating specifically to the foreign per-



1 son identified in a report transmitted under section 903  
2 that support the President's decision not to exercise the  
3 authority of subsection (a) or (b) of section 907 with re-  
4 spect to that person.

5 (c) FORM.—If the President considers it appropriate,  
6 the notification of the President under subsection (a), and  
7 the written justification under subsection (b), or appro-  
8 priate parts thereof, may be transmitted in classified form.

9 **SEC. 909. DETERMINATIONS EXEMPTING FOREIGN PER-**  
10 **SONS FROM MANDATORY MEASURES.**

11 (a) WAIVER.—Any mandatory measure described in  
12 section 907 shall not apply with respect to a foreign per-  
13 son if the President transmits to the appropriate congres-  
14 sional committees a report that contains a determination  
15 of the President that—

16 (1) on the basis of information provided by that  
17 person or the foreign government having primary ju-  
18 risdiction over the person, the person did not, on or  
19 after January 1, 2005, knowingly export to the Peo-  
20 ple's Republic of China the item the apparent export  
21 of which caused the person to be identified in a re-  
22 port transmitted under section 903; or

23 (2) the foreign government having primary ju-  
24 risdiction over the person has entered into a written  
25 agreement with the United States which—



1 (A) is binding under international law;

2 (B) prohibits further exports of any item  
3 described in paragraph (1), or subparagraph  
4 (A) or (B) of paragraph (2), of section 903(a)  
5 by any person subject to its jurisdiction;

6 (C) is supported by the foreign govern-  
7 ment's adoption of policies and procedures pro-  
8 viding for credible implementation of the re-  
9 quirements in subparagraphs (A) and (B);

10 (D) does not constrain the President's au-  
11 thority to impose measures under this act in  
12 the event of a future export of concern by the  
13 same or other persons subject to the jurisdic-  
14 tion of the foreign government party to the  
15 agreement; and

16 (E) is submitted to the appropriate con-  
17 gressional committees 30 days prior to its entry  
18 into force.

19 (b) ADDITIONAL WAIVER.—Any mandatory measure  
20 described in section 907 shall not apply to a foreign person  
21 if the President determines that it is important to the  
22 counterterrorism, nonproliferation, or other national secu-  
23 rity interests of the United States and transmits to the  
24 appropriate congressional committees a report in writing  
25 that contains such determination.



1 (c) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that the President should—

3 (1) strengthen international coordination and  
4 execution of arms export policy through the develop-  
5 ment of bilateral and multilateral agreements under  
6 subsection (a)(2), particularly with member states of  
7 the North Atlantic Treaty Organization (NATO),  
8 Japan, Australia and New Zealand, and exercise the  
9 waivers provided under this section in all appro-  
10 priate instances that further this objective; and

11 (2) whenever the President determines that the  
12 measures described in section 907 should be applied,  
13 that the measures be applied comprehensively with  
14 respect to the affected foreign person's affiliates and  
15 subsidiaries, wherever located, in order to deter to  
16 the fullest extent possible a recurrence or continu-  
17 ation of the export giving rise to the President's de-  
18 termination.

19 (d) FORM.—If the President considers it appropriate,  
20 the determination and report of the President under sub-  
21 section (a), or appropriate parts thereof, may be trans-  
22 mitted in classified form.

23 **SEC. 910. DEFINITIONS.**

24 In this title:



1 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2 TEES.—The term “appropriate congressional com-  
3 mittees” means—

4 (A) the Committee on International Rela-  
5 tions and the Committee on Armed Services of  
6 the House of Representatives; and

7 (B) the Committee on Foreign Relations  
8 and the Committee on Armed Services of the  
9 Senate.

10 (2) DEFENSE ARTICLES AND DEFENSE SERV-  
11 ICES.—The term “defense articles and defense serv-  
12 ices” has the meaning given the term in section  
13 47(7) of the Arms Export Control Act (22 U.S.C.  
14 2794 note).

15 (3) DUAL USE.—The term “dual use” means,  
16 with respect to goods or technology, those goods or  
17 technology that are specifically designed or devel-  
18 oped for civil purposes but which also may be used  
19 or deployed in a military or proliferation mode. Such  
20 term does not include purely commercial items.

21 (4) EXPORT.—The term “export” has the  
22 meaning given that term in section 120.17 of the  
23 International Traffic in Arms Regulations, and in-  
24 cludes re-exports, transfers, and retransfers by any  
25 means.



1 (5) EXPORT ADMINISTRATION REGULATIONS.—

2 The term “Export Administration Regulations”  
3 means those regulations contained in sections 730  
4 through 774 of title 15, Code of Federal Regulations  
5 (or successor regulations).

6 (6) FOREIGN GOVERNMENT.—The term “for-  
7 eign government” has the meaning given the term in  
8 section 38(g)(9)(B) of the Arms Export Control Act  
9 (22 U.S.C. 2778(g)(9)(B)).

10 (7) FOREIGN PERSON.—The term “foreign per-  
11 son” has the meaning given the term in section  
12 38(g)(9)(C) of the Arms Export Control Act (22  
13 U.S.C. 2778(g)(9)(C)).

14 (8) GOOD.—The term “good” has the meaning  
15 given the term in section 16(3) of the Export Ad-  
16 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

17 (9) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
18 TIONS.—The term “International Traffic in Arms  
19 Regulations” means those regulations contained in  
20 sections 120 through 130 of title 22, Code of Fed-  
21 eral Regulations (or successor regulations).

22 (10) ITEM.—The term “item” means any good  
23 or technology, defense article or defense service sub-  
24 ject to the export jurisdiction of the United States  
25 under law or regulation.





1           (11) LICENSE.—The term “license” means an  
2       official written document of the United States Gov-  
3       ernment issued pursuant to the Export Administra-  
4       tion Regulations or the International Traffic in  
5       Arms Regulations, as the case may be, authorizing  
6       a specific export.

7           (12) OTHER FORMS OF APPROVAL.—The term  
8       “other forms of approval” includes any authoriza-  
9       tion, rule or exemption contained in any statute or  
10      regulation that permits an export without a license.

11          (13) OWNERSHIP OR CONTROL.—The term  
12      “ownership or control” has the meaning given the  
13      term in section 122.2(c) of the International Traffic  
14      in Arms Regulations.

15          (14) PERSON.—The term “person” has the  
16      meaning given the term in section 38(g)(9)(E) of  
17      the Arms Export Control Act (22 U.S.C.  
18      2778(g)(9)(E)).

19          (15) TECHNOLOGY.—The term “technology”  
20      has the meaning given the term in section 16(4) of  
21      the Export Administration Act of 1979 (50 U.S.C.  
22      App. 2415(4)).

23          (16) UNITED STATES MUNITIONS LIST.—The  
24      term “United States Munitions List” means the list



- 1 referred to in section 38(a)(1) of the Arms Export
- 2 Control Act (22 U.S.C. 2778(a)(1)).

